

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

L.P.O.E., Inc., a Minnesota Corporation;
Down In the Valley, Inc., a Minnesota Corporation;
Disc and Tape, Inc., a Minnesota Corporation; and,
Hideaway LLC., a Minnesota Corporation,

Plaintiffs,

AFFIDAVIT OF JAMES
CARLSON

vs.

Civil Case No. 10-CV-4944
PJS/LIB

The United States Drug Enforcement Administration,
U.S. Department of Justice; and its
Deputy Director, D.E.A., Michele M. Leonhart

Defendants.

STATE OF MINNESOTA)
) SS
COUNTY OF ST. LOUIS)

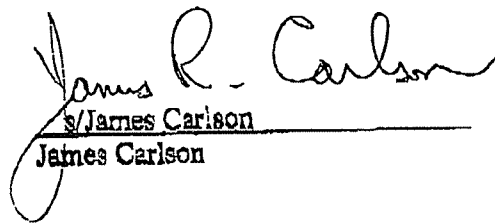
James Carlson, being first duly sworn on oath, hereby deposes and says the following:

1. I am the President of L.P.O.E., Inc, one of the Plaintiff in the above-entitled matter.
2. Plaintiff operates a store know as "The Last Place on Earth," at 120 E. Superior St. in the City of Duluth.
3. The Last Place on Earth sells tobacco, pipes, tobacco accessories and various novelties.
4. I have reviewed the U.S. Drug Enforcement Agency's Notice of Intent, 21 CFR Part 1308 [Docket No. DEA-345N], purporting to outlaw "synthetic cannabinoid."
5. Within the past year, the incenses that appear to be prohibited by the ordinance have accounted for more than 50% of the store's total sales. The store's gross profit of incense

sales for the month of November, 2010 was approximately \$96,500. The store's total gross profits from the sale of incense this year is \$932,000.

6. If my business were to suffer an immediate 50 % loss in sales, it could not survive; I would be forced to close the business or file bankruptcy within weeks. I have six employees and if I were forced to close, I would have no choice but to terminate their employment.

7. I execute this affidavit in support of the attached motion for preliminary injunction and temporary restraining order.


s/James Carlson
James Carlson

Sworn to and subscribed before me
this 22 day of December, 2010.


Notary Public

